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October 22, 2019

**VIA CM/ECF**

Hon. P. Kevin Castel  
U.S. District Court for the Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: Hai v. First Data Corporation, et al.  
Civil Action No.: 1:19-cv-8332-PKC  
Joint Letter Resolving Pre-Motion Letter: Motion to Dismiss Counts VIII, IX, & X**

Dear Judge Castel:

This firm is counsel to Hamy Anthony Hai with respect to the above-referenced case. Pursuant to the Court's Individual Rules of Practice, Plaintiff notes that the Initial Conference is scheduled for November 4, 2019 at 12:00 p.m.

In consultation with counsel for Defendants, the undersigned submits this Joint Letter setting forth the Parties' position with regard to the resolution of Defendant's Pre-Motion Letter filed on October 1, 2019 (Dkt. 9), seeking leave to file a motion to dismiss Counts VIII, IX, and X of the Plaintiff's Complaint (Dkt. 1), and seeking an adjournment of the Initial Conference.

Consistent with Plaintiff's Response to the Pre-Motion Letter, and in the interest of expediency and to avoid an unnecessary delay at the inception of this proceeding, Plaintiff shall voluntarily dismiss Counts VIII, IX, and X of the Complaint, without prejudice, by separate filing herewith, and Defendants will Answer the remaining counts of the Complaint within fourteen (14) days. The Parties will proceed with the Initial Conference, and the pre-conference submissions in advance of same, pursuant to the Court's pending directives.

Respectfully submitted,  
*/s/ Lauren M. Paxton*  
LAUREN M. PAXTON

cc: All counsel w/encl. (via ECF)

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